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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

WOOD et al. *v.* WEAVER.

June 14, 1917.

[92 S. E. 1001.]

1. Trespass (§ 52*)—Cutting Timber—Damages—"Willful Trespass."—In an action for damages caused by cutting and conversion by defendant of trees belonging to plaintiff, where the trespass was committed under a bona fide claim of right, it was not willful, and the measure of damages was the stumpage value of the trees.

[Ed. Note.—For other cases, see Trespass, Cent. Dig. §§ 137, 138.* 13 Va.-W. Va. Enc. Dig. 239.]

For other definitions, see Words and Phrases, First and Second Series, Willful.]

2. Trespass (§ 44*)—Conversion of Timber—Burden of Proof.—Every trespass is prima facie willful, and the trespass being conceded or proven, the burden is on defendant to show that it was not willful, unless the contrary appears from plaintiff's evidence.

[Ed. Note.—For other cases, see Trespass, Cent. Dig. §§ 112-115.* 15 Va.-W. Va. Enc. Dig. 1009; 16 Va.-W. Va. Enc. Dig. 1211.]

Error to Circuit Court, Lunenburg County.

Cast by W. H. Wood and another against R. S. Weaver. From the judgment as reduced, plaintiffs bring error. Affirmed.

Geo. Allen, of Victoria, and *P. P. Homes*, of Boydton, for plaintiffs in error.

N. S. Turnbull, Jr., of Victoria, for defendant in error.

TOWN OF APPALACHIA *v.* MAINOUS.

Sept. 20, 1917.

[93 S. E. 566.]

1. Municipal Corporations (§ 345*)—Power of Council—Discretion.—Whether a bond should be required of contractors paving a city street is in the first instance a matter resting entirely in the discretion of the town council, and whether it should thereafter be waived rests equally within their discretion, with which the courts will not

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.